

**STATE OF TEXAS §**  
**COUNTIES OF ARANSAS §**  
**SAN PATRICIO AND NUECES §**  
**CITY OF ARANSAS PASS §**

A Regular Meeting of the Aransas Pass City Council was held on Monday, March 21, 2022. A notice of the meeting was posted 72 hours in advance in accordance with Section 551, Texas Government Code. Mayor Ramiro Gomez, Mayor Pro Tem Carrie Scruggs and Council Members Jason Knight and Janet Moore were present; Vickie Abrego was absent. Also present was City Manager Gary Edwards and City Attorney Roxann Pais Cotroneo.

**1. CALL MEETING TO ORDER.**

Mayor Gomez called the meeting to order at 5:30 pm.

**2. INVOCATION AND PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG.**

Donald Volz, Crosstown Church gave the invocation and led the Pledge of Allegiance to the Flag.

**3. PRESENTATIONS AND PROCLAMATIONS:**

**3.I. Presentation of Annual Audit Report ending September 30, 2021 – Brenda McElwee, CPA.**

Ms. McElwee stated the City's financial condition is stable and rendered an unmodified opinion. She thanked the Director of Finance and her staff for doing a good job. Council Member Knight asked the city's total bond indebtedness, and Ms. McElwee responded the total primary government for 2020 was \$21,610,000, and in 2021 it was \$21,310,000, down by \$300,000.

**3.II Quarterly Update on Collection of Municipal Court Fees and Fines (October – December) – Steven Saucedo, Linebarger Law Firm.**

Mr. Saucedo reported that a total of 184 letters were mailed, 103 skip tracing results, placed 398 outbound calls, and collected \$20,239.00. He stated that during this period, the city referred an additional \$35,982.00 and this will be reflected in the next report.

**4. BOARD AND COMMISSION APPOINTMENTS:**

There were no board appointments.

**5. CONSENT AGENDA:**

**5.I Approval of Regular Meeting Minutes of March 7, 2022.**

A motion was made by Council Member Moore to approve Item 5.I, seconded by Mayor Pro Tem Scruggs, and the motion passed.

## 6. **PUBLIC HEARINGS:**

### 6.1 Case No. 2203-04

1. Public hearing on a Conditional Use Permit request submitted by Carmen Perez for six months to allow a recreational vehicle to be placed onto Lot 12 of Tropical Breeze Manufactured Home Subdivision zoned GB – General Business, and used as a Temporary Dwelling while waiting for purchase and delivery of a manufactured home.

Mayor Gomez declared the public hearing open. Osei Amo-Mensah, Director of Planning stated that applicant Carmen Perez is requesting a Conditional Use Permit (CUP) to live in a Recreational Vehicle (RV). He stated the Planning and Zoning Commission considered the case and recommended approval of the CUP for a six-month period. Council Member Moore stated she recalled the applicant has purchased the RV but has not yet received the RV and there was no timeframe, and Mr. Mensah responded the applicant is working on acquiring the RV. Ms. Moore then asked if Tropical Breeze approved the placement of an RV at the location, and Mr. Mensah responded that no negative comments were submitted.

There being no further comments, Mayor Gomez declared the public hearing closed.

2. Consider and Act on Ordinance granting a Conditional Use Permit to Carmen Perez for six months to allow a recreational vehicle to be placed onto Lot 12 of Tropical Breeze Manufactured Home Subdivision zoned GB – General Business, and used as a Temporary Dwelling while waiting for purchase and delivery of a manufactured home.

Mayor Pro Tem Scruggs commented that the information states that applicant is waiting for purchase. Carmen Perez, Applicant responded that she has ordered the RV and it is on back order for three months.

A motion was made by Council Member Knight to approve Item 6.I.2, seconded by Mayor Pro Tem Scruggs, and the motion passed.

### 6.II Case No. 2203-05

1. Public hearing on renewal of a Conditional Use Permit submitted by Gregg Farrar with expiration date of August 7, 2022 to allow (8 x 40) Shipping Container for storage purposes during construction of his house, zoned R7B – Single Family Dwelling District, at 1304 No. McCampbell Street, Aransas Pass, Texas.

Mayor Gomez declared the public hearing open. Mr. Mensah stated applicant is requesting to renew this CUP. The purpose of the shipping container is for storage purposes while he completes is home, which is 80% complete. He is requesting extending until August 7, 2022. Mr. Mensah further stated the CUP permit for the RV also expires on August 7, 2022 and the Planning and Zoning Commission recommended that both permits expire at the same time.

Mayor Pro Tem Scruggs asked if applicant will complete the home by August 7, 2022, and Mr. Mensah responded that Mr. Farrar expects to complete his home by August 7, 2022 or before.

There being no further comments, Mayor Gomez closed the public hearing.

2. Consider and Act on Ordinance granting a renewal of a Conditional Use Permit submitted by Gregg Farrar with expiration date of August 7, 2022 to allow (8 x 40) Shipping Container for storage purposes during construction of his house, zoned R7B – Single Family Dwelling District, at 1304 No. McCampbell Street, Aransas Pass, Texas.

A motion was made by Mayor Pro Tem Scruggs to approve Item 6.II.2, seconded by Council Member Moore, and the motion passed.

6.III Case No. 2203-06

1. Public hearing on a Conditional Use Permit request submitted by Stephen Martin for a Conditional Use Permit with expiration date of September 6, 2022 to allow a Mobile Food Establishment to be placed in the two parking spaces in front of the Rialto Theatre in the right-of-way of State Hwy. 90 Loop, and operate while awaiting the purchase and installation of a commercial kitchen at the Rialto Theatre, contingent upon approval by the Texas Department of Transportation.

Mayor Gomez declared the public hearing open. Mr. Mensah explained this CUP is for a mobile food establishment at the Rialto Theater and use of the right-of-way in front of theater. Currently, the Rialto Theater has no kitchen and are requesting placement of the mobile food establishment in front of the Rialto Theater to generate income for the commercial kitchen. Mr. Mensah stated that a request was submitted to the Texas Department of Transportation for their approval, but has not yet received a response. Mr. Mensah added that the Planning and Zoning Commission considered this request and recommended approval with an expiration date of September 6, 2022, subject to approval by TxDOT for use of the parking lot in front of the theater.

Council Member Moore asked when the city expects to receive approval from TxDOT, and Mr. Edwards responded in conversations with TxDOT last week they have received the request and it is in the review/approval process. Council Member Moore then asked if the mobile food truck will be at the location 24/7, and Mr. Edwards responded it cannot stay there 24/7 as TxDOT will not allow it. Mayor Pro Tem Scruggs asked if the mobile food truck will only operate during the hours of operations, and Mr. Mensah responded that is correct, it will be moved out daily.

There being no further comments, Mayor Gomez declared the public hearing closed.

2. Consider and Act on Ordinance granting a Conditional Use Permit to Stephen Martin with expiration date of September 6, 2022 to allow a Mobile Food Establishment to be placed in the two parking spaces in front of the Rialto Theatre in the right-of-way of State Hwy. 90 Loop, and operate while awaiting the purchase and installation of a commercial kitchen at the Rialto Theatre, contingent upon approval by the Texas Department of Transportation.

Ms. Cotroneo noted that the ordinance states the expiration date is September 6, 2022 and will be removed after the need for the request, but does not state that the mobile food establishment will be removed daily. Mr. Mensah responded that in the Zoning Ordinance requirements for RV food establishment it requires that it be removed daily.

A motion was made by Mayor Pro Tem Scruggs to approve Item 6.III.2, seconded by Council Member Moore, and the motion passed.

**7. CITY MANAGER:**

- 7.I Consider and Act on Resolution approving a contract for the Collection of Delinquent Special Assessments between the City of Aransas Pass and Linebarger Goggan Blair & Sampson, LLP; repealing all conflicting resolutions and providing an effective date.

Steven Saucedo, Linebarger Firm stated the purpose of this agreement is to allow delinquent city liens to be included in tax foreclosure property tax suit.

A motion was made by Mayor Pro Tem Scruggs to approve Item 7.I, seconded by Council Member Moore, and the motion passed.

- 7.II Consider and Act on approving the document titled “Action Approving Contract with Linebarger Goggan Blair & Sampson, LLP”.

Mr. Saucedo explained that this item outlines the statement of facts for the law firm qualifications, which is now required by the legislature.

A motion was made by Mayor Pro Tem Scruggs to approve Item 7.II, seconded by Council Member Moore, and the motion passed.

- 7.III Consider and Act on entering into a three-year contract with Brenda McElwee, CPA to conduct the City’s Annual Audit beginning March 21, 2022 and ending March 21, 2025.

A motion was made by Council Member Knight to approve Item 7.III, seconded by Council Member Moore, and the motion passed.

- 7.IV Consider and Act on Resolution suspending the May 2, 2022 effective date of the proposal by CenterPoint Energy Resources Corp. D/B/A/ CenterPoint Energy Entex and CenterPoint Energy Texas Gas - South Texas Division to implement interim GRIP Rate Adjustments for gas utility investment in 2021 and requiring delivery of this resolution to the company and legal counsel.

City Secretary Juarez explained that CenterPoint Gas submitted a rate adjustment to increase residential gas customers by \$2.11, from \$24.92 to \$27.03 per month and scheduled to go into effect on May 2, 2022. Ms. Juarez further explained the only action the council can take is to suspend the increase by 45 days, and no action by the council would cause the rate increase to go into effect on May 2, 2022.

Rick Silvas, Operations Supervisor, CenterPoint stated these increases occur annually and further explained the purpose of the increase is to cover breakages, such as pipes that break will be replaced with new pipes rather than to repair, and these increases help to re-coup that cost. He stated if the council suspends the rate by 45 days, it will then go into effect on June 16, 2022. Council Member Moore asked when the next rate increase will occur, and Mr. Silvas responded next year.



A motion was made by Mayor Pro Tem Scruggs to suspend the rate adjustment by 45 days, seconded by Council Member Knight, and the motion passed.

7.V Monthly Municipal Court Report - February 2022.

The monthly Municipal Court report was provided in written form.

**8. COMMUNITY ENRICHMENT:**

8.I Monthly Community Enrichment Department Report - February 2022.

The monthly Community Enrichment report was provided in written form.

**9. DEVELOPMENT SERVICES:**

9.I Consider and Act on awarding the Request for Proposals for use of the Softball Field Complex to Roland Pena beginning March 21, 2022 through December 31, 2022.

Fernando Quintanilla, Director of Public Works stated that one proposal was received from Roland Pena in the amount of \$525.00 monthly for use of the fields. He added that the contract states that once the field work begins, Mr. Pena understands that the fields will be returned back to the city, and will only have on those months that are available.

A motion was made by Mayor Pro Tem Scruggs to approve Item 9.I, seconded by Council Member Moore, and the motion passed.

9.II Consider and Act on awarding the contract to Coastal Bend Demolition, Inc. for the Demolition of 134 and 106 W. Wheeler Avenue for an amount not to exceed \$49,500.00.

Roxann Cotroneo, City Attorney explained that the demolition of these properties went through the demolition process and presented to the Building Board of Standards and Appeals (BBSA), due to the property owners not complying. Consequently, the BBSA ordered the demolition of the properties within 30 days and a request for proposals was issued, and the low bid is in amount of \$49,500 submitted by Coastal Bend Demolition. Ms. Cotroneo stated that the property owners have come forward and are prepared to pay for the cost of the demolition; however, due to asbestos in the structures and due to State pre-authorization requirements it will require a two-week period for the asbestos removal. The demolition of the structures will occur April 14–18, 2022. Ms. Cotroneo stated staff is still recommending the award of the contract, in the event that the property owners do not follow through with the demolition.

A motion was made by Council Member Moore to approve Item 9.II, seconded by Council Member Knight, and the motion passed.

9.III Consider and Act on approving Change Order No. 1 with Gerke Excavating, Inc. for the Deberry/Saunders/Greenwood Storm Project in the amount of \$6,595.06.

Fernando Quintanilla, Director of Public Works stated this project is funded under the CDBG-DR grant and is covered 100%. He explained purpose of the change order is to

replace the curb and gutter which originally was not part of the project but was necessary to adjust storm due to unknown conflicts underground. Mr. Quintanilla stated the contractor cannot pave the streets until the curb and gutter is replaced. Mr. Edwards stated the City has received several complaints daily related to dust which caused by the street not being paved.

A motion was made by Mayor Pro Tem Scruggs to approve Item 9.III, seconded by Council Member Moore, and the motion passed.

9.IV Monthly Public Works Report - February 2022.

The monthly Public Works report was provided in written form.

9.V Monthly Building Department Report - February 2022.

The monthly Building Department report was provided in written form.

**10. FINANCE:**

10.I Consider and Act to amending the Aransas Pass Purchasing Policy.

Sandra Garcia, Director of Finance stated the purpose of this amendment relates to one of the city's grants to update procedures to comply with federal grant purchasing.

A motion was made by Mayor Pro Tem Scruggs to approve Item 10.I, seconded by Council Member Knight, and the motion passed.

10.II Monthly Finance Department Report - January 2022.

The monthly Finance Department report was provided in written form.

**11. INFORMATION TECHNOLOGY:**

There were no Information Technology items.

**12. PUBLIC SAFETY:**

12.I Consider and Act on awarding the Animal Control Construction Phase 2 Bid to GeoFill Construction for an amount not to exceed \$77,500.00.

Eric Blanchard, Police Chief explained that Phase I is near completion and this item relates to Phase 2, which is being funded by the Crime Control & Prevention District. Capt. Jones stated that only one bid was received for this project and are recommending the award to GeoFill Construction.

A motion was made by Mayor Pro Tem Scruggs to approve Item 12.I, seconded by Council Member Moore, and the motion passed.

12.II Consider and Act on the issuance of a request for proposals for Disaster Cleanup Services in the event of a hurricane or large scale disaster.

Mr. Blanchard stated this item relates to emergency management and pertains to the disaster cleanup in the event of a natural disaster. He added the current contract with DRC is due to expire and it is necessary to go out for proposals.

A motion was made by Mayor Pro Tem Scruggs to approve Item 12.II, seconded by Council Member Knight, and the motion passed.

12.III Monthly Public Safety Report - February 2022.

The monthly Public Safety report was provided in written form.

12.IV Monthly Fire Department - February 2022.

Council Member Moore presented a check in the amount of \$25,000 proceeds from the Firemen's Ball to the Fire Department. Nathan Borrego, Assistant Fire Chief gave a brief overview on the monthly report reporting that in the month of February 2022 they received a total of 70 calls, 17 fire inspections, and a total of 46 training hours.

**13. CITY COUNCIL OR STAFF ANNOUNCEMENT:**

Mr. Edwards announced that a Workshop Meeting is scheduled for March 28, 2022 and the agenda will tentatively include the following items: Propose Market Place at Conn Brown Harbor, 25-Foot Lots, City Transportation for Seniors, Voucher System at Transfer Station, and City Council Agenda Format.

**14. CITIZEN COMMENTS:**

There were no citizen comments.

**15. EXECUTIVE SESSION:**

The meeting was recessed into Executive Session at 6:16 pm under the provision of Section 551, Texas Government Code to discuss the authority of:

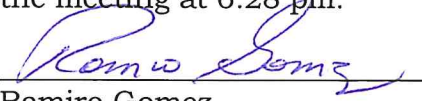
15.I.1 Section 551.071 – Commercial Contract with 630 Ransom Island Partners, LLC (formerly known as Bluewater Partners, LLC) for an unimproved property with an addendum of special provisions for Nueces CAD No. 380310, a 28.61 acres of land on Ransom Island Tr. 7, Commonly known as 630 E. Ransom Road, Aransas Pass, Texas 78336.

15.I.2 Section 551.071 – Property at 1104 No. Houston, a 2,708.76 square foot tract of land herein described as a Drainage Easement out of a called 1.369-acre tract known as Lot 1 of the Perry Subdivision, Aransas Pass, Texas

The council reconvened in open session at 6:28 pm. No action was taken on the executive session item.

**16. ADJOURNMENT:**

There being no further business to come before the Council, Mayor Gomez adjourned the meeting at 6:28 pm.



Ramiro Gomez  
Mayor



Mary Juarez  
City Secretary

Approved on: April 4, 2022